

## Arizona Veterans Service Commission Internal Management Policy 89-06

SUBJECT: GRIEVANCE POLICY AND PROCEDURE

EFFECTIVE DATE: March 23, 1994 (Supersedes 89-06, 06/07/89)

- 1.0 PURPOSE: This policy and the following procedures are designed to provide an equitable, prompt, systematic and confidential resolution of Arizona Veterans Service Commission employees' grievances regarding matters which directly and personally affect the employee which the Director has control and for which there is no other method of review. In addition, it is to be used for employee grievances alleging non-compliance with Department of Administration Personnel Rules, issues and alleged discrimination as provided for by A.R.S. - 1463.
- 2.0 AUTHORITY: The following laws, rules and regulations serve as the basis for the establishment of the Employee Grievance Procedure; A.R.S. 41-783; Department of Administration personnel Rules R2-5-701 and 702.
- 3.0 NON-APPLICABLE AND RESTRICTED MATTERS: The basic grievance procedure shall not be used in matters for which another method of review is available. Those matters include, but are not limited to:
  - 3.1 Retirement, life insurance or health insurance.
  - 3.2 Suspension of more than 40 working hours, demotion or dismissal resulting in disciplinary action.
  - 3.3 Any examination, certification or appointment.
  - 3.4 Any classification action.
  - 3.5 Any reduction in force action.
  - 3.6 Any employee performance appraisal action.
  - 3.7 Employees of the Commission may not submit a grievance challenging the following management rights, but may submit a grievance concerning the manner of their administration insofar as these personally affect the employee:
    - 3.7.1 The Commission's right to direct it's employees.
    - 3.7.2 The Commission's right to hire, promote , transfer, assign and retain employees.
    - 3.7.3 The Commission's right to maintain efficiency of government operations

and to determine the methods, means and personnel by which these operations are to be conducted.

- 4.0 PERFORMANCE INCREASES AND DECREASES: An employee may submit a grievance concerning an overall performance evaluation or a specific rating using the EPAS Grievance Procedure 88-02, but may not submit a grievance concerning the receipt of a performance decrease, the non-receipt of a performance increase or special performance award, the amount of any increase or decrease, or the use of any job-related supplemental rating factors to determine the receipt or amount of an increase, decrease or special performance award.
- 5.0 TIME-OFF FOR PREPARATION: The Commission will allow the employee a reasonable amount of work time not to exceed 4 hours total to prepare and process a grievance. This time must be approved by Commission management in advance, as must any other time away from normal work duties.
- 6.0 AMENDMENTS: Once a grievance is referred to any step beyond the immediate supervisor, it may not be amended. If additional documentation is submitted by the grievant after the initiation of the grievance, the reviewing official may remand the grievance to the appropriate previous level for reconsideration.
- 7.0 REPRISAL: No person shall directly or indirectly use any official authority or influence in any manner to discourage the use of this procedure nor shall any employee suffer reprisal or retaliation in any form as a result of using this procedure. Such acts are in violation of A.R.S. 41-775, Department of Administration Personnel Rule R2-5-501.
- 8.0 CONFIDENTIALITY: The preparation, submittal, review and response to an employee grievance should be considered confidential and will be treated as such. Any discussion regarding the grievance should be restricted to those individuals who are responsible for responding to the complaint and those having knowledge pertinent to the investigation, resolution and/or response.
- 9.0 REPRESENTATION: After discussion with the immediate supervisor, an employee(s) may select at any step of the grievance, a representative of the employee's or employees' choice to assist in the preparation of the formal grievance and subsequent responses to management; to advise and speak for the employee or employees' during the meetings determined necessary by management concerning the grievance. The employee or employees' must identify the representative in writing, by name, title and organization to the person to whom the grievance is presented.

If the representative is a State Employee, that individual must request and receive approval from the representative's supervisor for annual or compensatory leave to represent the grievant or grievants.

If a group of employees file a "group" grievance (identical issues and proposed resolutions), the group must select an individual in writing by name, title and

organization to the person to whom the grievance is presented. Each employee involved in the group grievance must sign the grievance.

10.0 ORAL DISCUSSION: Prior to initiating a written grievance, the employee must have an oral discussion with the immediate supervisor to attempt to resolve the problem.

11.0 FORMAL WRITTEN PROCEDURE: The employee grievance procedure is designed to help all employees seek resolutions to their concerns and problems which will be considered fairly and quickly. The following procedure consists of three steps and is designed to assure employees who utilize all steps to have a response from the Director within 40 working days, which includes any extensions, from the initial submission of the employee's or employees' properly submitted grievance.

The grievance and/or its documentation will not become part of an employee's official Personnel File.

Within the 40 working day requirement, the time at any step may be extended by the Director with concurrence of the grievant. The employee must sign the complaint each time it is forwarded to the next level and include a memorandum which explains in detail why the previous response is not satisfactory. If at any step the response is not made within the prescribed time and no extension has been agreed upon, the employee may submit to the next step.

#### 11.1 Step I - Immediate Supervisor

11.1.1 The employee must submit the written grievance on form AVSC 01-05 to the employee's immediate supervisor within ten (10) working days after the occurrence of the action of the matter being grieved. The date of the occurrence of a suspension without pay is the first day of the suspension. The grievance must contain the following:

11.1.1.1 A complete statement of all the facts and circumstances involved in the alleged violations presented in a logical and orderly manner, should include names, dates and other persons present or having knowledge of the grievance issues; and documentation to substantiate the allegations.

11.1.1.2 If the grievance alleges non-compliance with the Department of Administration Personnel Rules, the grievant must identify the precise Department of Administration Personnel Rule which has been violated and statement as to how the employee perceives the rule was violated.

11.1.1.3 A statement to what specific redress is being sought.

11.1.2 The immediate supervisor has ten (10) working days, from the receipt of

the grievance, to respond in writing to the grievant. Prior to the written response, the supervisor is strongly encouraged to acknowledge receipt of the grievance, and must review the grievant's issues and facts pertinent to them, and review applicable policies and procedures.

If the grievance is considered valid, the supervisor should take the necessary corrective steps/actions to resolve the grievance and respond in writing to the employee regarding those steps/actions. If the complaint is determined to be invalid, a written response explaining the rationale for this determination must be given to the employee.

Either response must conclude with a statement informing the employee of the right to forward the grievance to Step II. The immediate supervisor will return the original employee grievance and all attachments with the Step I response to the employee.

## 11.2 Step II - Division Administrator

11.2.1 If the employee is dissatisfied with the Step I response the employee has five working days from the date of receipt of the response to forward the grievance to the Division Administrator. A signed memorandum which states specific reasons why the previous response is unsatisfactory must accompany the entire grievance package.

11.2.2 The Division Administrator has ten (10) working days, from the receipt of the grievance, to respond in writing to the grievant. Prior to the written response, the Division Administrator is strongly encouraged to acknowledge receipt of the grievance, and must review the grievant's issues and facts pertinent to them, and review applicable policies and procedures.

If the grievance is considered valid, the Division Administrator should take the necessary corrective step/actions to resolve the grievance and respond in writing to the employee regarding those steps/actions. If the complaint is determined to be invalid, a written response explaining the rationale for this determination must be given to the employee.

Either response must conclude with a statement informing the employee of the right to forward the grievance and all attachments with the Step II response to the employee.

## 11.3 Step III - AVSC Director

11.3.1 If the employee is dissatisfied with the Step II response, the employee has five working days from the date of receipt of the response to forward the

grievance to the Director. A signed memorandum which states specific reasons why the previous response is unsatisfactory must accompany the entire grievance package.

- 11.3.2 The Director is the final step for all grievances except those that allege non-compliance with the Department of Administration Personnel Rules or allegations of discrimination.

For grievances alleging non-compliance with the Department of Administration Personnel Rules or allegation of discrimination, the director must state in the response that the employee, if not satisfied with the response, has five working days to forward the complaint to Step IV, the Department of Administration Director (include the Director's name and address). For all other grievances, the Director must state that the response is the final decision.

- 12.0 IMPLEMENTATION: This policy shall be implemented without change on the effective date.

Norman O. Gallion, Director

Date

Attachment: AVSC Basic Grievance Form 01-50